IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.6051 of 1996

Between:

P Malakondaiah, S/o Nambayya,
R/o Anakapalli, Visakhapatnam District

..... PETITIONER

AND

Bharat Heavy Plates & Vessels Ltd,

Rep. By Managing Director,
Nathayyapalem, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of Mandamus declaring that the workman employed in the canteen established and maintained by the respondent under Section 46 of the Factories Act or its employees and withholding of my bills to the extent stated above is arbitrary and consequently direct release of all the amounts withheld and claimed with interest at 24% per annum and the damages as this Court may direct.

Counsel for the Petitioner: Dr. P.B.VIJAY KUMAR

Counsel for the Respondent: Mr. P.NAGESWAR SREE

The Court made the following :

W.P.No.6051 of 1996

ORAL ORDER:

The sum and substance of the petitioner's case is that he was a contractor with the respondent-Bharat Heavy Plates and Vessels Limited, Visakhapatnam to run the canteen for its employees under Section 46 of the Factories Act. Certain bills were not paid and withheld by the respondent. This Writ Petition is filed seeking recovery of those amounts.

It is the contention of the learned counsel for the petitioner that since the petitioner has entered into an agreement with the respondent for running the canteen, the agreement must be treated as a statutory agreement and since the respondent had not discharged its duties in paying the bills, it may be directed to pay the bills, which were purported to have been withheld.

I am afraid, I cannot accede to the said contention. The matter is purely in the realm of contract and the petitioner has to work out his remedies elsewhere and not by way of a Writ Petition under Article 226 of the Constitution of India. The Writ Petition is misconceived.

Accordingly, the Writ Petition is dismissed. No costs.

23-12-2004

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director, Bharat Heavy Plates & Vessels Ltd,

Nathayyapalem, Visakhapatnam.

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